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Chief Clerk of the House

By *Don Lewis*

FILED FEB 25 1997  
H. B. No. 1711

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of plumbing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (1), (2), (4), and (5) to read as follows:

(1) "Plumbing" means:

(A) All piping, fixtures, appurtenances and appliances for supply or recirculation of water, gas, medical gases and vacuum, liquids, and drainage or elimination of sewage, including disposal systems or any combination thereof, for all personal or domestic purposes in and about buildings where a person or persons live, work or assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water, gas, medical gases and vacuum, or other liquid supply, or combinations thereof, on the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying waste water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal or septic terminal holding private or domestic sewage; or

(B) the installation, repair, service, and maintenance of all piping, fixtures, appurtenances and appliances in and about buildings where a person or persons live, work or

1 assemble, for a supply of gas, medical gases and vacuum, water,  
2 liquids, or any combination thereof, or disposal of waste water or  
3 sewage.

4 (2) "Master Plumber" means a person who is skilled in  
5 the planning, superintending, and the practical installation,  
6 repair, and service of plumbing, who secures permits for plumbing  
7 work, who [and] is knowledgeable of [~~familiar-with~~] the codes,  
8 ordinances, or rules and regulations governing those matters, who  
9 alone, or through a person or persons under his supervision,  
10 performs plumbing work, and who has successfully fulfilled the  
11 examinations and requirements of the Board.

12 (4) "Plumber's Apprentice" means any person other than  
13 a master plumber or journeyman plumber who, as his principal  
14 occupation, is engaged in learning and assisting in the  
15 installation of plumbing, is registered by the Board, and works  
16 under the direct supervision of a licensed plumber.

17 (5) "Plumbing Inspector" means any person who is  
18 employed by a political subdivision for the purpose of inspecting  
19 plumbing work and installations in connection with health and  
20 safety laws, [and] ordinances, and plumbing and gas codes, who has  
21 no financial or advisory interests in any plumbing company, and who  
22 has successfully fulfilled the examinations and requirements of the  
23 Board.

24 SECTION 2. Section 3, The Plumbing License Law (Article  
25 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
26 follows:

27 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following

1 acts, work and conduct shall be expressly permitted without  
2 license:

3 (a) Plumbing work done by a property owner in a  
4 building owned and [or] occupied by him as his homestead;

5 (b) [~~Plumbing-work-done-outside-the--municipal--limits~~  
6 ~~of-any-organized-city,-town-or-village-in-this-state,-or-within-any~~  
7 ~~such--city,-town--or--village--of--less-than-five-thousand-(5,000)~~  
8 ~~inhabitants,-unless-required-by-ordinance-in--such--city,-town--or~~  
9 ~~village-of-less-than-five-thousand-(5,000)-inhabitants,~~

10 [e] Plumbing work done by anyone who is regularly  
11 employed as or acting as a maintenance man or maintenance engineer,  
12 incidental to and in connection with the business in which he is  
13 employed or engaged, and who does not engage in the occupation of a  
14 plumber for the general public; [~~construction,-installation-and~~  
15 ~~maintenance work done upon the premises or equipment of a railroad~~  
16 ~~by an employee thereof who does not engage in the occupation of a~~  
17 ~~plumber for the general public; and] plumbing work done by persons~~  
18 ~~engaged by any public service company in the laying, maintenance~~  
19 ~~and operation of its service mains or lines to the point of~~  
20 ~~measurement; appliance [and---the---installation,-alteration,~~  
21 ~~adjustment,-repair,-removal--and--renovation--of--all--types---of~~  
22 ~~appurtenances,-equipment--and-appliances,-including-doing-all-that~~  
23 ~~is-necessary-to--render--the--appliances--useable--or--serviceable,~~  
24 ~~appliance]~~ installation and service work done by anyone who is an  
25 appliance dealer or who is employed by an appliance dealer, and  
26 acting as an appliance installation man or appliance service man in  
27 connecting appliances to existing openings with a code-approved

1 appliance connector [~~pipng--installations~~]; and water treatment  
2 installations, exchanges, services, or repairs. Provided, however,  
3 that all work and service herein named or referred to shall be  
4 subject to inspection and approval in accordance with the terms of  
5 all state laws and local valid city or municipal ordinances;

6 (c) [~~+~~+] Plumbing work done by a licensed irrigator  
7 or licensed installer when working and licensed under Chapter 197,  
8 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,  
9 Vernon's Texas Civil Statutes). A person holding a valid license  
10 from the Texas State Board of Plumbing Examiners shall not be  
11 required to be licensed by any other board or agency when  
12 installing or working on a lawn irrigation system;

13 (d) LP Gas piping [~~+~~---Plumbing] work done by an LP  
14 Gas installer when working and licensed under Chapter 113, Natural  
15 Resources Code, as amended.

16 SECTION 3. Section 3A(a), The Plumbing License Law (Article  
17 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
18 follows:

19 (a) The Commissioner of Health or his designee shall certify  
20 persons as being qualified for the installation, exchange,  
21 servicing, and repair of residential water treatment facilities [~~as~~  
22 ~~defined-by-Subsection-(g)-of-Section-2-of-this--Act~~]. The Texas  
23 Board of Health shall set standards for certification to ensure the  
24 public health and to protect the public from unqualified persons  
25 engaging in activities relating to water treatment. Nothing in  
26 this section shall be construed to require that persons licensed  
27 pursuant to this Act are subject to certification under this

1 section.

2 SECTION 4. Section 4(a), The Plumbing License Law (Article  
3 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
4 follows:

5 (a) The Texas State Board of Plumbing Examiners shall  
6 consist of nine members, each of whom shall be a citizen of the  
7 United States and a resident of this state. Members of the Board  
8 and their successors shall be appointed by the Governor and  
9 confirmed by the Senate, and shall hold office for terms of six  
10 years, or until their successors are appointed and have qualified.  
11 Appointments to the Board shall be made without regard to the race,  
12 creed, sex, religion, or national origin of the appointees. One  
13 member of the Board shall have had at least ten years practical  
14 experience as a master plumber, one member shall have had at least  
15 five years practical experience as a journeyman plumber, one member  
16 shall be a plumbing contractor with five years experience, one  
17 member shall be a licensed professional ~~[sanitary]~~ engineer engaged  
18 in the practice of plumbing engineering and design, two members  
19 shall be building contractors with five years contracting  
20 experience (one of whom shall be principally engaged in home  
21 building and one of whom shall be principally engaged in commercial  
22 building), and one member shall have had at least five years  
23 practical experience as a plumbing inspector. Two members must be  
24 representatives of the general public. A person is not eligible  
25 for appointment as a public member if the person or the person's  
26 spouse:

27 (1) is licensed by an occupational regulatory agency

1 in the building construction industry;

2 (2) is employed by or participates in the management  
3 of an agency or business entity related to the building  
4 construction industry; or

5 (3) has, other than as a consumer, a financial  
6 interest in a business entity related to the building construction  
7 industry.

8 SECTION 5. Sections 5(a) and (d), The Plumbing License Law  
9 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to  
10 read as follows:

11 (a) The Board shall administer the provisions of this Act.  
12 The Board shall formally elect a chairman and a secretary from its  
13 members and may adopt such rules as it deems necessary for the  
14 orderly conduct and enforcement of its affairs. The Board is  
15 hereby authorized and empowered to employ, promote and discharge  
16 such assistants and employees as it may deem necessary to properly  
17 carry out the intent and purpose of this Act, and to fix and pay  
18 their compensation and salaries and to provide for their duties and  
19 the terms of their employment. A majority of the Board shall  
20 constitute a quorum for the transaction of business. The Board  
21 shall have a seal which shall be judicially noticed. The Board  
22 shall keep records of all proceedings and actions by and before the  
23 Board. The Board is hereby authorized, empowered and directed to  
24 prescribe, amend and enforce all rules and regulations necessary to  
25 carry out this Act. The Board shall appoint an employee or  
26 employees thereof, with the power of removal, as a plumbing  
27 examiner or examiners, whose duties shall be to examine, as to

1        their fitness and qualifications, all persons applying to the Board  
2        for licenses to engage in the business, trade or calling of a  
3        master plumber or a journeyman plumber or to serve as a plumbing  
4        inspector, and to promptly certify the result thereof to said State  
5        Board of Plumbing Examiners. The Board's examiners shall register  
6        persons as plumber's apprentices in a manner prescribed by Board  
7        rules.

8            (d) The Board shall [may] recognize, prepare, or implement  
9        continuing education programs for licensees, endorsees, and  
10       plumber's apprentices. [~~Participation--in---the---programs---is~~  
11       ~~voluntary.~~]

12           SECTION 6.    Section 8, The Plumbing License Law (Article  
13        6243-101, Vernon's Texas Civil Statutes), is amended to read as  
14        follows:

15           Sec. 8.        ISSUANCE OF LICENSES AND CERTIFICATES OF  
16        REGISTRATION. (a) The Board shall issue licenses to such persons  
17        as have by a uniform, reasonable examination shown themselves fit,  
18        competent and qualified to engage in the business, trade or calling  
19        of a master plumber or journeyman plumber, or plumbing inspector,  
20        as the case may be.

21           (b) Within 30 days after the date a licensing examination is  
22        administered under this Act, the Board shall notify each examinee  
23        of the results of the examination.

24           (c) If requested in writing by a person who fails the  
25        licensing examination administered under this Act, the Board shall  
26        furnish the person with an analysis of the person's performance on  
27        the examination.

1           (d) The Board may waive any license requirement for an  
2 applicant with a valid license from another state having license  
3 requirements substantially equivalent to those of this state.

4           (e) A plumber's apprentice is required to be registered with  
5 the Board by the master plumber who employs the apprentice or by  
6 the training director of a United States Department of Labor Bureau  
7 of Apprenticeship Training program in which the apprentice is  
8 enrolled before the plumber's apprentice may provide any regulated  
9 plumbing services. The Board shall issue a certificate of  
10 registration to a plumber's apprentice.

11           (f) A license holder whose license was eligible for renewal  
12 when the license holder retired and who is not actively engaged in  
13 the business of plumbing may apply for retired status. The Board  
14 by rule shall adopt procedures and requirements for placing a  
15 license on retired status. A license holder on retired status is  
16 not required to complete continuing education while the person is  
17 on retired status.

18           SECTION 7. Section 8A(e), The Plumbing License Law (Article  
19 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
20 follows:

21           (e) Each written contract for plumbing services in this  
22 state [~~of-a-licensed--plumber~~] shall contain the name, mailing  
23 address, and telephone number of the Board.

24           SECTION 8. Section 8B, The Plumbing License Law (Article  
25 6243-101, Vernon's Texas Civil Statutes), as added by Chapter 857,  
26 Acts of the 70th Legislature, Regular Session, 1987, is  
27 redesignated as Section 8D and amended to read as follows:



1           Sec. 8D [8B]. ENFORCEMENT BY INSPECTOR.     In addition to  
2 enforcement by the Board, each plumbing inspector shall [may]  
3 enforce this Act.

4           SECTION 9. Sections 8C(a) and (c), The Plumbing License Law  
5 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to  
6 read as follows:

7           (a) A medical gas piping installation endorsement entitles a  
8 holder of a master plumber license or journeyman plumber license to  
9 install pipe used solely to transport gases used for medical  
10 purposes. The Board shall issue a medical gas piping endorsement  
11 to a plumbing inspector who meets the requirements for an  
12 endorsement under this section. A plumbing inspector who has an  
13 endorsement under this section may inspect medical gas piping  
14 installations.

15           (c) An endorsement under this section is valid for three  
16 years and may be renewed as provided by Board rule [~~on--or--before~~  
17 ~~February--1,--or-as-provided-by-Section-12A-of-this-Act,--in-the-same~~  
18 ~~manner-as-a-license-renewal-under-Section-12-of-this-Act~~].

19           SECTION 10. Sections 9(a), (c), (d), and (e), The Plumbing  
20 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are  
21 amended to read as follows:

22           (a) The Board shall revoke or suspend a license,  
23 endorsement, or certificate of registration, probate a license,  
24 endorsement, or certificate of registration suspension, or  
25 reprimand a licensee or registrant for any violations of this Act  
26 or rules of the Board. A violation of this Act shall include but  
27 not be limited to: obtaining a license, endorsement, or

1 certificate of registration through error or fraud; having  
2 wilfully, negligently or arbitrarily violated municipal rules or  
3 ordinances regulating sanitation, drainage and plumbing; knowingly  
4 making a substantial misrepresentation of services to be provided  
5 or which have been provided; or making any false promise with  
6 intent to influence, persuade, or induce an individual to contract  
7 for services. Any person whose license, endorsement, or  
8 certificate of registration has been revoked may, after the  
9 expiration of one year from the date of such revocation, but not  
10 before, apply to the Board for a new license, endorsement, or  
11 certificate of registration.

12 (c) If the Board proposes to refuse a person's application  
13 for a license, endorsement, or certificate of registration  
14 [~~licensure~~] or to suspend or revoke a person's license,  
15 endorsement, or certificate of registration, the person is entitled  
16 to a hearing before the Board. Grounds for suspension or  
17 revocation of a license or endorsement due to suspected  
18 incompetence or wilful violation by a licensee may be determined  
19 through retesting procedures.

20 (d) Proceedings for the refusal, suspension, or revocation  
21 of a license, endorsement, or certificate of registration are  
22 governed by the Administrative Procedure and Texas Register Act, as  
23 amended (Article 6252-13a, Vernon's Texas Civil Statutes).

24 (e) A person commits an offense if the person [~~knowingly~~]  
25 violates this Act or a rule adopted under this Act, engages in  
26 activities for which a license, endorsement, or certificate of  
27 registration is required without a license, endorsement, or

1 certificate of registration issued under this Act, or employs an  
2 unlicensed, unendorsed, or unregistered person to engage in  
3 activities for which a license, endorsement, or certificate of  
4 registration is required by this Act. An offense under this  
5 subsection is a Class C misdemeanor.

6 SECTION 11. Section 12, The Plumbing License Law (Article  
7 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
8 follows:

9 Sec. 12. LICENSES; RENEWALS. (a) A license, endorsement,  
10 or certificate of registration [~~licenses~~] issued by the Board shall  
11 be valid throughout the state, but shall not be assignable or  
12 transferable. A license or certificate of registration [~~The Board~~  
13 ~~shall forward to the local Board of Health, if there be one, of~~  
14 ~~each town, or to the other authority having control of the~~  
15 ~~enforcement of regulations relative to plumbing in each town, the~~  
16 ~~names and addresses of all persons in such town to whom such~~  
17 ~~licenses have been granted, licenses~~] shall be issued for one year  
18 and may be renewed annually [~~on or before February 1st or as~~  
19 ~~provided by Section 12A of this Act upon payment of the required~~  
20 ~~fee~~]. The Board may adopt rules under which licenses,  
21 endorsements, and certificates of registration expire on various  
22 dates throughout the year.

23 (b) A person who has complied with the continuing education  
24 requirement of Section 12B of this Act may renew an unexpired  
25 license, endorsement, or certificate of registration by paying the  
26 required renewal fee to the Board before the expiration date of the  
27 license, endorsement, or certificate of registration.

1 (c) A person who has complied with the continuing education  
2 requirement of Section 12B of this Act and whose license,  
3 endorsement, or certificate of registration has been expired for 90  
4 days or less may renew the license, endorsement, or certificate of  
5 registration by paying to the Board the required renewal fee and,  
6 if the renewal is for a license, a fee that is one-half of the  
7 examination fee for the license or, if the fee is for a certificate  
8 of registration, a fee that is one-half of the registration fee.

9 (d) A person who has complied with the continuing education  
10 requirement of Section 12B of this Act and whose license,  
11 endorsement, or certificate of registration has been expired for  
12 longer than 90 days but less than two years may renew the license,  
13 endorsement, or certificate of registration by paying to the Board  
14 all unpaid renewal fees and, if the renewal is for a license or  
15 certificate of registration, a fee that is equal to the examination  
16 fee for a [the] license.

17 (e) If a person's license or endorsement has been expired  
18 for two years or longer, the person may not renew the license or  
19 endorsement. The person may obtain a new license or endorsement by  
20 submitting to reexamination and complying with the requirements and  
21 procedures for obtaining an original license or endorsement.

22 (f) At least 30 days before the expiration of a person's  
23 license, endorsement, or certificate of registration, the Board  
24 shall send written notice of the impending license, endorsement, or  
25 certificate of registration expiration to the person at the  
26 licensee's or registrant's last known address according to the  
27 records of the Board. The licensee or registrant shall notify the

1 Board of any change of the person's name or address not later than  
2 the 30th day after the date of the change.

3 SECTION 12. Sections 12B(a) and (d), The Plumbing License  
4 Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended  
5 to read as follows:

6 (a) A person holding a license, endorsement, or certificate  
7 of registration under this Act must complete at least six hours of  
8 continuing professional education each license year. Three of the  
9 six hours required must be in the subjects of health protection,  
10 energy conservation, and water conservation.

11 (d) A person holding a license, endorsement, or certificate  
12 of registration under this Act [~~who-lives-in-a-county-having-no~~  
13 ~~city-with-a-population--in--excess--of--100,000~~] may fulfill the  
14 continuing professional education requirement of this section  
15 through a correspondence course as provided by Board rule.

16 SECTION 13. Section 14(a), The Plumbing License Law (Article  
17 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
18 follows:

19 (a) No person, whether as a master plumber, journeyman  
20 plumber, plumber's apprentice, or otherwise, shall engage in, work  
21 at, or conduct the business of plumbing in this state or serve as a  
22 plumbing inspector as herein defined, except as herein specifically  
23 exempted from the provisions of this Act, unless such person is the  
24 holder of a valid license, endorsement, or certificate of  
25 registration as provided for by this Act. It shall be unlawful for  
26 any person, firm, or corporation to engage in or work at the  
27 business of installing plumbing and doing plumbing work except as

specifically herein provided unless such installation of plumbing or plumbing work be under the direct supervision and control of a plumber licensed under this Act. A license holder may not act as a water supply protection specialist unless the license holder has the appropriate license endorsement under Section 11A or 11B of this Act.

SECTION 14. Section 15, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) A person holding a master plumber's license may not act as a master plumber unless the master plumber has submitted to the Board a certificate of insurance that meets the requirements of Subsection (c) of this section.

(e) A municipality having boundaries that overlap the boundaries of a municipal utility district is the controlling jurisdiction and is the only entity that may perform required plumbing inspections in an area located in both the municipality and the municipal utility district. A municipal utility district may perform its own inspection under this subsection if the inspection performed by the municipality responsible for conducting an inspection is not performed by a state-licensed plumbing inspector or if the municipal utility district has inspection standards that are stricter than the municipality's standards.

(f) A municipality or municipal utility district performing a plumbing inspection in an area in which the boundaries of those entities overlap may only collect an inspection permit fee if the entity is entitled to perform the inspection under Subsection (e)

1     of this section.

2             SECTION 15.     Section 12A, The Plumbing License Law (Article  
3     6243-101, Vernon's Texas Civil Statutes), is repealed.

4             SECTION 16.     (a)     Except as otherwise provided by this  
5     section, this Act takes effect September 1, 1997.

6             (b)     The Texas State Board of Plumbing Examiners shall adopt  
7     rules not later than December 31, 1997, that provide for  
8     registering plumber's apprentices and for the expiration of  
9     registrations under Sections 5(a) and 12(a), The Plumbing License  
10    Law (Article 6243-101, Vernon's Texas Civil Statutes), as amended  
11    by this Act.

12            (c)     The Texas State Board of Plumbing Examiners shall adopt  
13    rules under Section 5(d), The Plumbing License Law (Article  
14    6243-101, Vernon's Texas Civil Statutes), as amended by this Act,  
15    and rules that implement the continuing education programs required  
16    by Section 12B, The Plumbing License Law (Article 6243-101,  
17    Vernon's Texas Civil Statutes), as amended by this Act, not later  
18    than February 1, 1998.

19            (d)     A person performing plumbing services who must obtain a  
20    license because of the changes made by this Act to Section 3, The  
21    Plumbing License Law (Article 6243-101, Vernon's Texas Civil  
22    Statutes), is not required to obtain a master or journeyman plumber  
23    license to perform those functions until February 1, 1998.

24            (e)     The requirement under Section 8(e), The Plumbing License  
25    Law (Article 6243-101, Vernon's Texas Civil Statutes), as added by  
26    this Act, that a plumber's apprentice be registered with the Texas  
27    State Board of Plumbing Examiners takes effect February 1, 1998.

1           (f) A master plumber who holds a license on the effective  
2 date of this Act is not required to obtain a certificate of  
3 insurance under Section 15(d), The Plumbing License Law (Article  
4 6243-101, Vernon's Texas Civil Statutes), as added by this Act,  
5 until February 1, 1998.

6           SECTION 17. The importance of this legislation and the  
7 crowded condition of the calendars in both houses create an  
8 emergency and an imperative public necessity that the  
9 constitutional rule requiring bills to be read on three several  
10 days in each house be suspended, and this rule is hereby suspended.



# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

By Lewis of Orange

H.B. No. 1711

Substitute the following for H.B. No. 1711:

By Yarbrough

C.S.H.B. No. 1711

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of plumbing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (1), (2), and (5) to read as follows:

(1) "Plumbing" means:

(A) All piping, fixtures, appurtenances and appliances for supply or recirculation of water, gas, medical gases and vacuum, liquids, and drainage or elimination of sewage, including disposal systems or any combination thereof, for all personal or domestic purposes in and about buildings where a person or persons live, work or assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water, gas, medical gases and vacuum, or other liquid supply, or combinations thereof, on the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying waste water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal or septic terminal holding private or domestic sewage; or

(B) the installation, repair, service, and maintenance of all piping, fixtures, appurtenances and appliances in and about buildings where a person or persons live, work or

1 assemble, for a supply of gas, medical gases and vacuum, water,  
2 liquids, or any combination thereof, or disposal of waste water or  
3 sewage.

4 (2) "Master Plumber" means a person who is skilled in  
5 the planning, superintending, and the practical installation,  
6 repair, and service of plumbing, who secures permits for plumbing  
7 work, who [and] is knowledgeable of [~~familiar-with~~] the codes,  
8 ordinances, or rules and regulations governing those matters, who  
9 alone, or through a person or persons under his supervision  
10 performs plumbing work, and who has successfully fulfilled the  
11 examinations and requirements of the Board.

12 (5) "Plumbing Inspector" means any person who is  
13 employed by a political subdivision for the purpose of inspecting  
14 plumbing work and installations in connection with health and  
15 safety laws, [and] ordinances, and plumbing and gas codes, who has  
16 no financial or advisory interests in any plumbing company, and who  
17 has successfully fulfilled the examinations and requirements of the  
18 Board.

19 SECTION 2. Section 3, The Plumbing License Law (Article  
20 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
21 follows:

22 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following  
23 acts, work and conduct shall be expressly permitted without  
24 license:

25 (a) Plumbing work done by a property owner in a  
26 building owned and or occupied by him as his homestead;

27 (b) Plumbing work done on a single family residential

1 property not connected to a public water system and located outside  
 2 the municipal limits of any organized city, town or village in this  
 3 state~~[,--or-within-any-such-city, town or village of less than five~~  
 4 ~~thousand-(5,000)-inhabitants, unless required by ordinance in--such~~  
 5 ~~city,---town---or---village--of--less--than--five--thousand--(5,000)~~  
 6 ~~inhabitants];~~

7 (c) Plumbing work done by anyone who is regularly  
 8 employed as or acting as a maintenance man or maintenance engineer,  
 9 incidental to and in connection with the business in which he is  
 10 employed or engaged, and who does not engage in the occupation of a  
 11 plumber for the general public; ~~[construction,--installation--and]~~  
 12 maintenance work done upon the premises or equipment of a railroad  
 13 by an employee thereof who does not engage in the occupation of a  
 14 plumber for the general public; and plumbing work done by persons  
 15 engaged by any public service company in the laying, maintenance  
 16 and operation of its service mains or lines to the point of  
 17 measurement and the installation, alteration, adjustment, repair,  
 18 removal and renovation of all types of appurtenances, equipment and  
 19 appliances, including doing all that is necessary to render the  
 20 appliances useable or serviceable; appliance installation and  
 21 service work done by anyone who is an appliance dealer or who is  
 22 employed by an appliance dealer, and acting as an appliance  
 23 installation man or appliance service man in connecting appliances  
 24 to existing openings with a code-approved appliance connector  
 25 ~~[piping--installations];~~ and water treatment installations,  
 26 exchanges, services, or repairs. Provided, however, that all work  
 27 and service herein named or referred to shall be subject to

1 inspection and approval in accordance with the terms of all state  
2 laws and local valid city or municipal ordinances;

3 (d) Plumbing work done by a licensed irrigator or  
4 licensed installer when working and licensed under Chapter 197,  
5 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,  
6 Vernon's Texas Civil Statutes). A person holding a valid license  
7 from the Texas State Board of Plumbing Examiners shall not be  
8 required to be licensed by any other board or agency when  
9 installing or working on a lawn irrigation system;

10 (e) LPG system [~~Plumbing~~] work done by an LP Gas  
11 installer when working and licensed under Chapter 113, Natural  
12 Resources Code, as amended.

13 SECTION 3. Section 3A(a), The Plumbing License Law (Article  
14 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
15 follows:

16 (a) The Commissioner of Health or his designee shall  
17 certify persons as being qualified for the installation, exchange,  
18 servicing, and repair of residential water treatment facilities [~~as~~  
19 ~~defined--by--Subsection--(g)--of--Section--2--of--this--Act~~]. The Texas  
20 Board of Health shall set standards for certification to ensure the  
21 public health and to protect the public from unqualified persons  
22 engaging in activities relating to water treatment. Nothing in  
23 this section shall be construed to require that persons licensed  
24 pursuant to this Act are subject to certification under this  
25 section.

26 SECTION 4. Section 4(a), The Plumbing License Law (Article  
27 6243-101, Vernon's Texas Civil Statutes), is amended to read as

1 follows:

2 (a) The Texas State Board of Plumbing Examiners shall  
3 consist of nine members, each of whom shall be a citizen of the  
4 United States and a resident of this state. Members of the Board  
5 and their successors shall be appointed by the Governor and  
6 confirmed by the Senate, and shall hold office for terms of six  
7 years, or until their successors are appointed and have qualified.  
8 Appointments to the Board shall be made without regard to the race,  
9 creed, sex, religion, or national origin of the appointees. One  
10 member of the Board shall have had at least ten years practical  
11 experience as a master plumber, one member shall have had at least  
12 five years practical experience as a journeyman plumber, one member  
13 shall be a plumbing contractor with five years experience, one  
14 member shall be a licensed professional [sanitary] engineer  
15 knowledgeable in the practice of plumbing engineering and design,  
16 two members shall be building contractors with five years  
17 contracting experience (one of whom shall be principally engaged in  
18 home building and one of whom shall be principally engaged in  
19 commercial building), and one member shall have had at least five  
20 years practical experience as a plumbing inspector. Two members  
21 must be representatives of the general public. A person is not  
22 eligible for appointment as a public member if the person or the  
23 person's spouse:

24 (1) is licensed by an occupational regulatory agency  
25 in the building construction industry;

26 (2) is employed by or participates in the management  
27 of an agency or business entity related to the building

1 construction industry; or

2 (3) has, other than as a consumer, a financial  
3 interest in a business entity related to the building construction  
4 industry.

5 SECTION 5. Sections 5(a) and (d), The Plumbing License Law  
6 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to  
7 read as follows:

8 (a) The Board shall administer the provisions of this Act.  
9 The Board shall formally elect a chairman and a secretary from its  
10 members and may adopt such rules as it deems necessary for the  
11 orderly conduct and enforcement of its affairs. The Board is  
12 hereby authorized and empowered to employ, promote and discharge  
13 such assistants and employees as it may deem necessary to properly  
14 carry out the intent and purpose of this Act, and to fix and pay  
15 their compensation and salaries and to provide for their duties and  
16 the terms of their employment. A majority of the Board shall  
17 constitute a quorum for the transaction of business. The Board  
18 shall have a seal which shall be judicially noticed. The Board  
19 shall keep records of all proceedings and actions by and before the  
20 Board. The Board is hereby authorized, empowered and directed to  
21 prescribe, amend and enforce all rules and regulations necessary to  
22 carry out this Act. The Board shall appoint an employee or  
23 employees thereof, with the power of removal, as a plumbing  
24 examiner or examiners, whose duties shall be to examine, as to  
25 their fitness and qualifications, all persons applying to the Board  
26 for licenses to engage in the business, trade or calling of a  
27 master plumber or a journeyman plumber or to serve as a plumbing

1 inspector, and to promptly certify the result thereof to said State  
2 Board of Plumbing Examiners. The Board by rule may require  
3 apprentices to register with the Board.

4 (d) The Board shall [~~may~~] recognize, prepare, or implement  
5 continuing education programs for licensees and endorsees.  
6 [~~Participation-in-the-programs-is-voluntary.~~]

7 SECTION 6. Section 8, The Plumbing License Law (Article  
8 6243-101, Vernon's Texas Civil Statutes), is amended by adding  
9 Subsection (e) to read as follows:

10 (e) A license holder whose license was eligible for renewal  
11 when the license holder retired and who is not actively engaged in  
12 the business of plumbing may apply for retired status. The Board by  
13 rule shall adopt procedures and requirements for placing a license  
14 on retired status. A license holder on retired status is not  
15 required to complete continuing education while the person is on  
16 retired status.

17 SECTION 7. Section 8A(e), The Plumbing License Law (Article  
18 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
19 follows:

20 (e) Each written contract for plumbing services in this  
21 state [~~of-a-licensed--plumber~~] shall contain the name, mailing  
22 address, and telephone number of the Board.

23 SECTION 8. Section 8B, The Plumbing License Law (Article  
24 6243-101, Vernon's Texas Civil Statutes), as added by Chapter 857,  
25 Acts of the 70th Legislature, Regular Session, 1987, is  
26 redesignated as Section 8D and amended to read as follows:

27 Sec. 8D [8B]. ENFORCEMENT BY INSPECTOR. In addition to

1 enforcement by the Board, each plumbing inspector shall [may]  
2 enforce this Act.

3 SECTION 9. Sections 8C(a) and (c), The Plumbing License Law  
4 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to  
5 read as follows:

6 (a) A medical gas piping installation endorsement entitles a  
7 holder of a master plumber license or journeyman plumber license to  
8 install pipe used solely to transport gases used for medical  
9 purposes. A person who holds a medical gas endorsement may inspect  
10 medical gas piping installations.

11 (c) An endorsement under this section is valid for three  
12 years and may be renewed as provided by Board rule [~~on--or--before~~  
13 ~~February--17--or--as--provided--by--Section--12A--of--this--Act--in--the--same~~  
14 ~~manner--as--a--license--renewal--under--Section--12--of--this--Act~~].

15 SECTION 10. Sections 9(a), (c), (d), and (e), The Plumbing  
16 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are  
17 amended to read as follows:

18 (a) The Board shall revoke or suspend a license or  
19 endorsement, probate a license or endorsement suspension, or  
20 reprimand a licensee for any violations of this Act or rules of the  
21 Board. A violation of this Act shall include but not be limited  
22 to: obtaining a license or endorsement through error or fraud;  
23 having wilfully, negligently or arbitrarily violated municipal  
24 rules or ordinances regulating sanitation, drainage and plumbing;  
25 knowingly making a substantial misrepresentation of services to be  
26 provided or which have been provided; or making any false promise  
27 with intent to influence, persuade, or induce an individual to



1 contract for services. Any person whose license or endorsement has  
2 been revoked may, after the expiration of one year from the date of  
3 such revocation, but not before, apply to the Board for a new  
4 license or endorsement.

5 (c) If the Board proposes to refuse a person's application  
6 for a license or endorsement [~~license~~] or to suspend or revoke a  
7 person's license or endorsement, the person is entitled to a  
8 hearing before the Board. Grounds for suspension or revocation of  
9 a license or endorsement due to suspected incompetence or willful  
10 violation by a licensee may be determined through retesting  
11 procedures.

12 (d) Proceedings for the refusal, suspension, or revocation  
13 of a license or endorsement are governed by the Administrative  
14 Procedure and Texas Register Act, as amended (Article 6252-13a,  
15 Vernon's Texas Civil Statutes).

16 (e) A person commits an offense if the person knowingly  
17 violates this Act or a rule adopted under this Act, engages in  
18 activities for which a license or endorsement is required without a  
19 license or endorsement issued under this Act, or employs an  
20 unlicensed or unendorsed person to engage in activities for which a  
21 license or endorsement is required by this Act. An offense under  
22 this subsection is a Class C misdemeanor.

23 SECTION 11. Section 12, The Plumbing License Law (Article  
24 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
25 follows:

26 Sec. 12. LICENSES; RENEWALS. (a) A license or endorsement  
27 [~~licenses~~] issued by the Board shall be valid throughout the state,

1 but shall not be assignable or transferable. A license [~~The--Board~~  
 2 ~~shall--forward--to--the--local-Board-of-Health,--if--there--be--one,--of~~  
 3 ~~each-town,--or--to--the--other--authority--having--control--of--the~~  
 4 ~~enforcement--of--regulations--relative--to--plumbing--in--each-town,--the~~  
 5 ~~names--and--addresses--of--all--persons--in--such--town--to--whom--such~~  
 6 ~~licenses--have--been--granted,--Licenses~~] shall be issued for one year  
 7 and may be renewed annually [~~on--or--before--February--1st--or--as~~  
 8 ~~provided--by--Section--12A--of--this--Act--upon--payment--of--the--required~~  
 9 ~~fee~~]. The Board may adopt rules under which licenses and  
 10 endorsements expire on various dates throughout the year.

11 (b) A person who has complied with the continuing education  
 12 requirement of Section 12B of this Act may renew an unexpired  
 13 license or endorsement by paying the required renewal fee to the  
 14 Board before the expiration date of the license or endorsement.

15 (c) A person who has complied with the continuing education  
 16 requirement of Section 12B of this Act and whose license or  
 17 endorsement has been expired for 90 days or less may renew the  
 18 license or endorsement by paying to the Board the required renewal  
 19 fee and a fee that is one-half of the examination fee for the  
 20 license or endorsement.

21 (d) A person who has complied with the continuing education  
 22 requirement of Section 12B of this Act and whose license or  
 23 endorsement has been expired for longer than 90 days but less than  
 24 two years may renew the license or endorsement by paying to the  
 25 Board all unpaid renewal fees and a fee that is equal to the  
 26 examination fee for a [the] license.

27 (e) If a person's license or endorsement has been expired

1 for two years or longer, the person may not renew the license or  
2 endorsement. The person may obtain a new license or endorsement by  
3 submitting to reexamination and complying with the requirements and  
4 procedures for obtaining an original license or endorsement.

5 (f) At least 30 days before the expiration of a person's  
6 license or endorsement, the Board shall send written notice of the  
7 impending license or endorsement expiration to the person at the  
8 licensee's last known address according to the records of the  
9 Board. The licensee shall notify the Board of any change of the  
10 person's name or address not later than the 30th day after the date  
11 of the change.

12 SECTION 12. Sections 12B(a) and (d), The Plumbing License  
13 Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended  
14 to read as follows:

15 (a) A person holding a license or endorsement under this Act  
16 must complete at least six hours of continuing professional  
17 education each license year. Three of the six hours required must  
18 be in the subjects of health protection, energy conservation, and  
19 water conservation.

20 (d) A person holding a license or endorsement under this Act  
21 ~~[who-lives-in-a-county-having-no-city-with-a-population--in--excess~~  
22 ~~of--100,000]~~ may fulfill the continuing professional education  
23 requirement of this section through a correspondence course as  
24 provided by Board rule.

25 SECTION 13. Section 14(a), The Plumbing License Law (Article  
26 6243-101, Vernon's Texas Civil Statutes), is amended to read as  
27 follows:

1 (a) No person, whether as a master plumber, journeyman  
2 plumber, or otherwise, shall engage in, work at, or conduct the  
3 business of plumbing in this state or serve as a plumbing inspector  
4 as herein defined, except as herein specifically exempted from the  
5 provisions of this Act, unless such person is the holder of a valid  
6 license or endorsement as provided for by this Act. It shall be  
7 unlawful for any person, firm, or corporation to engage in or work  
8 at the business of installing plumbing and doing plumbing work  
9 except as specifically herein provided unless such installation of  
10 plumbing or plumbing work be under the active supervision and  
11 control of a plumber licensed under this Act. A license holder may  
12 not act as a water supply protection specialist unless the license  
13 holder has the appropriate license endorsement under Section 11A or  
14 11B of this Act.

15 SECTION 14. Section 15, The Plumbing License Law (Article  
16 6243-101, Vernon's Texas Civil Statutes), is amended by adding  
17 Subsections (d), (e), and (f) to read as follows:

18 (d) A person holding a master plumber's license may not act  
19 as a master plumber unless the master plumber has submitted to the  
20 Board a certificate of insurance that meets the requirements of  
21 Subsection (c) of this section.

22 (e) A municipality having boundaries that overlap the  
23 boundaries of a municipal utility district is the controlling  
24 jurisdiction and is the only entity that may perform required  
25 plumbing inspections in an area located in both the municipality  
26 and the municipal utility district. A municipal utility district  
27 may perform its own inspection under this subsection if the

1 inspection performed by the municipality responsible for conducting  
2 an inspection is not performed by a state-licensed plumbing  
3 inspector or if the municipal utility district has inspection  
4 standards that are stricter than the municipality's standards.

5 (f) A municipality or municipal utility district performing  
6 a plumbing inspection in an area in which the boundaries of those  
7 entities overlap may only collect an inspection permit fee if the  
8 entity is entitled to perform the inspection under Subsection (e)  
9 of this section.

10 SECTION 15. Section 12A, The Plumbing License Law (Article  
11 6243-101, Vernon's Texas Civil Statutes), is repealed.

12 SECTION 16. (a) Except as otherwise provided by this  
13 section, this Act takes effect September 1, 1997.

14 (b) The Texas State Board of Plumbing Examiners shall adopt  
15 rules under Section 5(d), The Plumbing License Law (Article  
16 6243-101, Vernon's Texas Civil Statutes), as amended by this Act,  
17 and rules that implement the continuing education programs required  
18 by Section 12B, The Plumbing License Law (Article 6243-101,  
19 Vernon's Texas Civil Statutes), as amended by this Act, not later  
20 than February 1, 1998.

21 (c) A person performing plumbing services who must obtain a  
22 license because of the changes made by this Act to Section 3, The  
23 Plumbing License Law (Article 6243-101, Vernon's Texas Civil  
24 Statutes), is not required to obtain a master or journeyman plumber  
25 license to perform those functions until February 1, 1998.

26 (d) A master plumber who holds a license on the effective  
27 date of this Act is not required to obtain a certificate of

C.S.H.B. No. 1711

1 insurance under Section 15(d), The Plumbing License Law (Article  
2 6243-101, Vernon's Texas Civil Statutes), as added by this Act,  
3 until February 1, 1998.

4 SECTION 17. The importance of this legislation and the  
5 crowded condition of the calendars in both houses create an  
6 emergency and an imperative public necessity that the  
7 constitutional rule requiring bills to be read on three several  
8 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

3-25-97  
(date)

Sir:  
We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES  
to whom was referred HB 1711 have had the same under consideration and beg to report  
back with the recommendation that it

- ( ) do pass, without amendment.
- ( ) do pass, with amendment(s).
- (x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (x) yes ( ) no A fiscal note was requested.
- ( ) yes (x) no A criminal justice policy impact statement was requested.
- ( ) yes (x) no An equalized educational funding impact statement was requested.
- ( ) yes (x) no An actuarial analysis was requested.
- ( ) yes (x) no A water development policy impact statement was requested.
- ( ) yes (x) no A tax equity note was requested.
- ( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Chair	✓			
Kubiak, Vice-chair	✓			
Goolsby	✓			
Haggerty				✓
Hamric				✓
Jones, D.				✓
Pickett	✓			
Torres	✓			
Yarbrough	✓			

Total      6 aye  
                 0 nay  
                 0 present, not voting  
                 3 absent

Ron Wilson  
CHAIR

## **BILL ANALYSIS**

### **LICENSING & ADMINISTRATIVE PROCEDURES**

C.S.H.B. 1711

By: Lewis, Ron

3-25-97

Committee Report (Substituted)

### **BACKGROUND**

The Plumbing License Law (Article 6243-101, V.T.C.S.) has been amended numerous times, and State Board of Plumbing Examiners' rules have further changed the regulatory climate under which plumbing is performed in the state. In addition, changes in technology have altered the nature and regulation of plumbing and related practices. Revisions in the law are needed to provide for stronger consumer protection and a less cumbersome regulatory climate and to ensure that all parts of the law are complementary.

### **PURPOSE**

The Committee Substitute for House Bill 1711, as proposed, makes two substantive revisions in the Plumbing License Law and numerous changes that are minor or technical in nature. The bill would expand the number of consumers protected by the law and abolish duplicative permitting requirements in areas that are governed by standards established by municipalities and municipal utility districts. In addition, the bill makes a number of revisions that clarify the law and better reflect current plumbing practices.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does grant additional rulemaking authority to the State Board of Plumbing Examiners. In particular, the bill gives the Board the authority, by rule, to require the registration of apprentices. In addition, the bill permits the Board, by rule, to establish a system by which licenses and endorsements expire at various times during the year.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2, Plumbing License Law, by amending Subdivisions (1), (2), and (5) as follows:

Expands the definition of "plumbing" to include medical gas and vacuum piping work to reflect current practices.

Refines the definition of "master plumber."

(5) Specifies that plumbing inspectors inspect for compliance with plumbing and gas codes.

SECTION 2. Amends Section 3, Plumbing License Law, by eliminating the blanket exemption provision for areas outside municipalities of 5,000 population and instead extends an exemption to residential properties not connected to a public water supply and located in an unincorporated area. This section also makes several technical changes to the existing statute.

SECTION 3. Amends Section 3A(a), Plumbing License Law, by eliminating a reference to a Subsection that has been repealed.

SECTION 4. Amends Section 4(a), Plumbing License Law, by substituting the requirement that one Board position be filled by a sanitary engineer, which is not defined by law, with a



requirement that one Board position be filled by a professional engineer, which is defined by law and which has been the established practice.

SECTION 5. Amends Section 5(a) and (d), Plumbing License Law, as follows:

- (a) Gives the Board permission, by rule, to register apprentices.
- (d) Makes the Board's involvement in continuing education mandatory and changes the wording to reflect that current license holders have license endorsements.

SECTION 6. Amends Section 8, Plumbing License Law, by adding a new Subsection (e) that creates a new class of license for retired plumbers.

SECTION 7. Amends Section 8A(e), Plumbing License Law, to clarify that consumer protection measures that require a license holder's contracts to contain the name and information about the Board apply only to contracts relating to plumbing.

SECTION 8. Amends Section 8B, Plumbing License Law, by redesignating it Section 8D and requiring plumbing inspectors to enforce the law to reflect the current practice.

SECTION 9. Amends Section 8C(a) and (c), Plumbing License Law, as follows:

- (a) Clarifies that a person who holds a medical gas endorsement is eligible to inspector medical gas piping work.  
Provides flexibility for the Board to renew endorsements by rule.

SECTION 10. Amends Sections 9(a), (c), (d), and (e), Plumbing License Law, by changing the wording to reflect that current license holders have license endorsements.

SECTION 11. Amends Section 12, Plumbing License Law, by changing the wording to reflect that current license holders have license endorsements and by providing the Board flexibility to periodically renew licenses and endorsements by rule. This Section also requires a license holder to notify the Board of a change of name or address within one month of the change.

SECTION 12. Amends Sections 12B(a) and (d), Plumbing License law, as follows:

- (a) Changes the wording to reflect that current license holders have license endorsements.
- (d) Changes the wording to reflect that current license holders have license endorsements and gives the Board greater flexibility in establishing rules for correspondence courses for continuing education.

SECTION 13. Amends Section 14(a), Plumbing License Law, by changing the wording to reflect that current license holders have license endorsements. This Section also clarifies that apprentices must work under the active supervision of a license holder.

SECTION 14. Amends Section 15, Plumbing License Law, by adding Subsections (d), (e), and (f) as follows:

Requires that master plumbers submit proof of insurance to the Board.  
Eliminates dual inspections in areas that are within a municipality and a municipal utility district. This Subsection delegates the inspection authority to the municipality or to the

jurisdiction with the strictest inspection standards.

(a) Prohibits a municipality or municipal utility district from collecting an inspection fee unless the jurisdiction is entitled to perform an inspection as outlined in the previous Subsection.

SECTION 15. Repeals Section 12A dealing with renewal schedules addressed in SECTION 9 of this legislation.

SECTION 16. Effective date and transition language.

SECTION 17. Emergency clause.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill makes reference to apprentices and requires that they must register with the Board. CSHB 1711 drops the reference to apprentices, eliminates the requirement that they register with the Board, allows the Board by rule to register apprentices and changes direct supervision to active supervision. The substitute also extends an exemption to residential construction connected to a private water system in unincorporated areas; maintains current law on public service companies; and further refined the LP Gas exemption to conform with Railroad Commission standards. The substitute also permits any person who holds a medical gas license endorsement to inspect medical gas piping.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE  
75th Regular Session**

March 31, 1997

To: Honorable Ron Wilson, Chair  
Committee on Licensing & Administrative  
Procedures  
House  
Austin, Texas

IN RE: House Bill No. 1711,  
Committee Report 1st House,  
Substituted  
By: Lewis, Ron

From: John Keel, Director

In response to your request for a Fiscal Note on HB1711 (Relating to the regulation of the practice of plumbing.) this office has determined the following:

<p><b>Biennial Net Impact to General Revenue Funds by HB1711-Committee Report 1st House, Substituted</b></p>
--

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**Fiscal Analysis**

This bill would amend the Plumbing License Law by deleting Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

**Methodology**

Deletion of Section 3(b) of the Plumbing License Law would increase the number of

persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

**Five Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001
1998	(\$439,291)	\$439,291
1999	(367,291)	367,291
2000	(336,291)	336,291
2001	(336,291)	336,291
2002	(336,291)	336,291

**Net Impact on General Revenue Related Funds:**

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Agencies:  
LBB Staff: JK, TH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**75th Regular Session**

March 17, 1997

To: Honorable Ron Wilson, Chair  
Committee on Licensing & Administrative  
Procedures  
House  
Austin, Texas

IN RE: House Bill No. 1711  
By: Lewis, Ron

From: John Keel, Director

In response to your request for a Fiscal Note on HB1711 (Relating to the regulation of the practice of plumbing,) this office has determined the following:

<b>Biennial Net Impact to General Revenue Funds by HB1711-As Introduced</b>
---

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**Fiscal Analysis**

This bill would amend the Plumbing License Law by deleting Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

**Methodology**

Deletion of Section 3(b) of the Plumbing License Law would increase the number of persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated

accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

**Five Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

**Net Impact on General Revenue Related Funds:**

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Agencies:

LBB Staff: JK, TH, BK

WITNESS LIST

HB 1711  
HOUSE COMMITTEE REPORT  
Licensing & Administrative Procedures Committee

March 24, 1997 - 10:30A

Committee Substitute (Wilson)

For: Jim Warren (APHCC of Texas)  
Juan Rayas (Self)  
Robert Christianson (Self)  
Steve Conaway (TX Assoc of Builders)  
Against: Stuart Hersh (City of Austin)  
On: Gilbert Kissling (State Bd of Plumbing)  
Stanley Briers (State Bd of Plumbing)

SUMMARY OF COMMITTEE ACTION

HB 1711

March 24, 1997 10:30AM

Considered in public hearing  
Committee substitute considered in committee  
Testimony taken in committee  
Left pending in committee

March 25, 1997 1:10PM

Considered in public hearing  
Committee substitute considered in committee  
Reported favorably as substituted



H.B. No.

1711

By

Lon Lewis

A BILL TO BE ENTITLED  
AN ACT

Relating to the regulation of the practice of plumbing.

FEB 25 1997

Filed with the Chief Clerk

FEB 27 1997

Read first time and referred to Committee on Licensing & Administrative Procedures

MAR 25 1997

Reported favorably (~~as amended~~)  
(as substituted)

APR 8 1997

Sent to Committee on (Calendars)  
(~~Local & Consent Calendars~~)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on \_\_\_\_\_

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read third time, \_\_\_\_\_, and passed by (a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

97 APR -7 PM 3: 10

HOUSE OF REPRESENTATIVES